



Patent Case No. SY01106KK01

In re application of:

Wild *et al.*

For:  
RECOMBINANT LARYNGOTRACHEITIS  
VIRUS AND USES THEREOF

Serial No.: 09/993,777

Filed: November 6, 2001

RECEIVED

APR 04 2002

OFFICE OF PETITIONS

Date: March 25, 2002

OFFICE OF PETITIONS  
ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

**PETITION TO BE ACCORDED A FILING DATE**

This is in response to the Notice of Incomplete Nonprovisional Application, which was mailed on February 27, 2002, a copy of which is attached.

I hereby petition to be accorded a filing date of November 6, 2001, the date this continuation application was originally filed. The entire disclosure of the prior parent application (including the drawings) is considered a part of the disclosure of the continuation application filed on November 6, 2001 and was thus incorporated by reference into the instant continuation application on that date.

The Notice indicates that the drawings were missing from the application. Applicant hereby submits the drawings.

The Notice also indicates that the application did not contain a statement that the content of the sequence listing on diskette is the same as the written sequence listing. That statement is included with this petition.

The Notice indicates that a newly executed oath or declaration must be submitted herewith. Applicant submits that the drawings being submitted in this case are the same as those that were submitted with the parent case, U.S. Serial No. 08/468,190 and no new matter is added by re-submission of these drawings. Therefore, the Declaration submitted with the original filing of the instant application on November 6, 2001 should suffice.

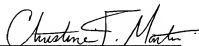
04/03/2002 HGBREH1 00000088 190365 09993777

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Applicant has authorized payment of the required \$130.00 petition fee (37 C.F.R. §1.17(h)) from our deposit account as indicated on the attached Fee Transmittal form.

Applicant hereby requests a refund of the petition fee of \$130.00.

Respectfully submitted,



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Date: March 25, 2002